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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,630	02/24/2004	Jack Sandler Bloom	205.001PT	2940

7590 09/12/2007
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EXAMINER

BELANI, KISHIN G

ART UNIT	PAPER NUMBER
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2143

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09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/785,630

Applicant(s)

BLOOM, JACK SANDLER

Examiner

Kishin G. Belani

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2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 11 is objected to because of the following informalities:

The dependency of claim 11 on claim 7 is inconsistent with the corresponding dependency of claim 12 on claim 6. Claim 7 describes the notification of a match, whereas claim 11 is for transferring public information of the first user, which occurs before the matching process. The examiner has interpreted claim 11 to depend on claim 6.

Likewise, **Claims 13 and 14** are objected to because claim 13 is dependent on claim 12, whereas corresponding claim 14 is dependent on claim 6. Since both Claims 13 and 14 describe the same process, why is their dependency different?

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 and 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by **Dinnage et al. (US Patent Application Publication 2005/0021666 A1)**.

Consider **claim 1**, Dinnage et al. show and disclose a system for matching one entity to another (Abstract that discloses a system for matching users with profile data of interest; Fig. 1 that shows different communication means used by such users; paragraphs 0020-0027 that disclose different communication means in detail), the system comprising:

a first user computer coupled to a network, wherein the first computer is configured to transmit a first set of private requirements information including a first user defined determining aspect to the network (Fig. 1, Wireless Handheld Device 20 configured to transmit data to Preference & Matching Database System 160 via the Internet network 140; paragraph 0031 and Table II that disclose a set of characteristics and criteria data (private requirements information such as ethnicity, religion, parental status, smoking habits, drinking habits, body type, etc.) being provided by a first user; paragraph 0030, lines 9-21 that disclose the difference between characteristics of a first user and criteria data that a second user should match; paragraph 0036, lines 3-12 that further disclose priority of particular criteria data elements assigned by users, thereby disclosing determining aspect for a successful search);

the network coupled to a server, wherein the server is configured to receive the first set of private requirements information with the first user defined determining aspect (Fig. 1, network 140 and Preference & Matching Database System 160; paragraph 0028 that

discloses Dell PowerEdge 2650 Servers running Microsoft SQL Server 2000, capable of receiving and storing transmitted user information in the Preference & Matching Database System 160);

a second user computer coupled to the network, wherein the second computer is configured to transmit a second set of private requirements information with a second user defined determining aspect to the network (Fig. 1, Computer: E-mail 40 configured to transmit data to Preference & Matching Database System 160 via the Internet network 140; paragraph 0031 and Table II that disclose a set of characteristics and criteria data (private requirements information such as ethnicity, religion, parental status, smoking habits, drinking habits, body type, etc.) also being provided by a second user, the paragraph disclosing that characteristics and criteria data can be obtained from a number of users and that such data are stored as a row for each user of the system; paragraph 0030, lines 9-21 that disclose the difference between characteristics of a second user and criteria data that a first user should match; paragraph 0036, lines 3-12 that further disclose priority of particular criteria data elements assigned by users, thereby disclosing determining aspect for a successful search); and

the server coupled to the network, wherein the server is configured to receive the first and second set of private requirements information, wherein the server is configured to determine if there is a match between the first and second set of private requirements information based on the first and second user defined determining aspects (Fig. 1, network 140 and Preference & Matching Database System 160; paragraph 0028 that discloses Dell PowerEdge 2650 Servers running Microsoft SQL Server 2000, capable of

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receiving and storing transmitted information from different users in the Preference & Matching Database System 160; paragraph 0029, lines 1-9 and paragraph 0036, lines 3-12 which disclose that the Preference & Matching Database System 160 is designed to match users to other users based on their private requirements and determining aspects).

Consider **claim 2** and **as it applies to claim 1 above**, Dinnage et al. discloses the system of the claimed invention, wherein the first user defined determining aspect is associated with an attribute of the first set of private requirements information (paragraph 0031 and Table II that disclose a set of characteristics and criteria data (private requirements information such as ethnicity, religion, parental status, smoking habits, drinking habits, body type, etc.) being provided by a first user; paragraph 0030, lines 9-21 that disclose the difference between characteristics of a first user and criteria data that a second user should match; paragraph 0036, lines 3-12 that further disclose priority of particular criteria data elements assigned by users, thereby disclosing determining aspect for a successful search).

Consider **claim 3** and **as it applies to claim 2 above**, Dinnage et al. discloses the system of the claimed invention, wherein the attribute includes a ranking (paragraph 0036, lines 3-12 that further disclose ranking (between 1 and 10) the priority of particular criteria data elements assigned by users).

Consider **claim 4** and **as it applies to claim 3 above**, Dinnage et al. discloses the system of the claimed invention, wherein the ranking is in the range of 1 to 10 (paragraph 0036, lines 3-12 that further disclose ranking, between 1 and 10, the priority of particular criteria data elements assigned by users).

Consider **claim 5** and **as it applies to claim 1 above**, Dinnage et al. discloses the system of the claimed invention, wherein the second user defined determining aspect is associated with an attribute of the second set of private requirements information (paragraph 0031 and Table II that disclose a set of characteristics and criteria data (private requirements information such as ethnicity, religion, parental status, smoking habits, drinking habits, body type, etc.) also being provided by a second user, the paragraph disclosing that characteristics and criteria data can be obtained from a number of users and that such data are stored as a row for each user of the system; paragraph 0030, lines 9-21 that disclose the difference between characteristics of a second user and criteria data that a first user should match; paragraph 0036, lines 3-12 that further disclose priority of particular criteria data elements assigned by users, thereby disclosing determining aspect for a successful search).

Consider **claim 6**, Dinnage et al. show and disclose a method for matching one entity to another entity (Abstract that discloses a method for matching users with profile data of interest; Fig. 1 that shows different communication means used by such users;

paragraphs 0020-0027 that disclose different communication means in detail), the method comprising:

transferring a first set of private requirements information with a first user defined determining aspect (Fig. 1, Wireless Handheld Device 20 configured to transmit data to Preference & Matching Database System 160 via the Internet network 140; paragraph 0031 and Table II that disclose a set of characteristics and criteria data (private requirements information such as ethnicity, religion, parental status, smoking habits, drinking habits, body type, etc.) being transferred by a first user; paragraph 0030, lines 9-21 that disclose the difference between characteristics of a first user and criteria data that a second user should match; paragraph 0036, lines 3-12 that further disclose priority of particular criteria data elements assigned by users, thereby disclosing determining aspect for a successful search);

receiving the first set of private requirements information with the first user defined determining aspect (Fig. 1, network 140 and Preference & Matching Database System 160; paragraph 0028 that discloses Dell PowerEdge 2650 Servers running Microsoft SQL Server 2000, capable of receiving and storing transmitted user information in the Preference & Matching Database System 160);

transferring a second set of private requirements information with a second user defined determining aspect (Fig. 1, Computer: E-mail 40 configured to transmit data to Preference & Matching Database System 160 via the Internet network 140; paragraph 0031 and Table II that disclose a set of characteristics and criteria data (private requirements information such as ethnicity, religion, parental status, smoking habits,

drinking habits, body type, etc.) also being provided by a second user, the paragraph disclosing that characteristics and criteria data can be obtained from a number of users and that such data are stored as a row for each user of the system; paragraph 0030, lines 9-21 that disclose the difference between characteristics of a second user and criteria data that a first user should match; paragraph 0036, lines 3-12 that further disclose priority of particular criteria data elements assigned by users, thereby disclosing determining aspect for a successful search);

receiving the second set of at least one private requirements information with the second user defined determining aspect (Fig. 1, network 140 and Preference & Matching Database System 160; paragraph 0028 that discloses Dell PowerEdge 2650 Servers running Microsoft SQL Server 2000, capable of receiving and storing transmitted information from different users in the Preference & Matching Database System 160); and

determining if there is a match between the first set of private requirements information and the second set of private requirements information based on the first and second users defined determining aspects (paragraph 0029, lines 1-9 and paragraph 0036, lines 3-12 which disclose that the Preference & Matching Database System 160 is designed to match users to other users based on their private requirements and determining aspects).

Consider **claim 7** and as it applies to **claim 6** above, Dinnage et al. disclose the claimed method, further comprising notifying a first user associated with the first set of

private requirements information if there is a match between the first and second users defined determining aspects (paragraph 0041, lines 9-22 that disclose notifying a first user associated with the first set of private requirements information if there is a match between the first and second users defined determining aspects).

Consider **claim 8** and **as it applies to claim 6 above**, Dinnage et al. disclose the claimed method, further comprising notifying a second user associated with the second set of private requirements information if there is a match between the first and second users defined determining aspects (paragraph 0041, lines 9-22 that disclose notifying a user associated with the user's set of private requirements information if there is a match between the user and any other user's defined determining aspects).

Consider **claim 9** and **as it applies to claim 6 above**, Dinnage et al. disclose the claimed method, wherein notifying comprises electronic mail (paragraph 0041, lines 18-22 that disclose notifying a user comprises using electronic mail).

Consider **claim 11** and **as it applies to claim 6 above**, Dinnage et al. disclose the claimed method, further comprising transferring a first set of public information (paragraph 0031 and Table II that disclose transferring a first set of public information (such as name, address, and telephone number, etc.) being provided by a first user).

Consider **claim 12** and **as it applies to claim 6 above**, Dinnage et al. disclose the claimed method, further comprising transferring a second set of public information (paragraph 0031 and Table II, that disclose users transferring their public information (such as name, address, and telephone number, etc.) being provided by users).

Consider **claim 13** and **as it applies to claim 12 above**, Dinnage et al. disclose the claimed method, further comprising receiving the first set of public information (Fig. 1, network 140 and Preference & Matching Database System 160; paragraph 0028 that discloses Dell PowerEdge 2650 Servers running Microsoft SQL Server 2000, capable of receiving and storing transmitted user information in the Preference & Matching Database System 160).

Consider **claim 14** and **as it applies to claim 6 above**, Dinnage et al. disclose the claimed method, further comprising transferring a second set of public information (Fig. 1, network 140 and Preference & Matching Database System 160; paragraph 0028 that discloses Dell PowerEdge 2650 Servers running Microsoft SQL Server 2000, capable of receiving and storing transmitted user information in the Preference & Matching Database System 160).

Consider **claim 15**, Dinnage et al. show and disclose an apparatus for matching one entity to another entity (Abstract that discloses an apparatus for matching users with profile data of interest; Fig. 1 that shows different communication means used by

such users; paragraphs 0020-0027 that disclose different communication means in detail), the apparatus comprising:

a receiver configured to receive a first and second set of private requirements information with a first and second users defined determining aspects (Fig. 1, Network 140 and Preference & Matching Database System 160; paragraph 0028 that discloses Dell PowerEdge 2650 Servers running Microsoft SQL Server 2000, capable of receiving and storing transmitted user information in the Preference & Matching Database System 160);

a storage device coupled to the connection interface configured to store the first and second set of private requirements information with the first and second users defined determining aspects (Fig. 1, Preference & Matching Database System 160 connected to the Internet network 140; paragraph 0028 that discloses Dell PowerEdge 2650 Servers running Microsoft SQL Server 2000, capable of receiving and storing transmitted user information in the Preference & Matching Database System 160); and

a processor coupled to the storage device configured to determine if there is a match between the first and second set of private requirements information based on the first and second users defined determining aspects (Fig. 1, Preference & Matching Database System 160 connected to the Internet network 140; paragraph 0028 that discloses Dell PowerEdge 2650 Servers running Microsoft SQL Server 2000, capable of receiving and storing transmitted user information in the Preference & Matching Database System 160; paragraph 0029, lines 1-9 and paragraph 0036, lines 3-12 which

disclose that the Preference & Matching Database System 160 is designed to match users to other users based on their private requirements and determining aspects).

Consider **claim 16** and **as it applies to claim 15 above**, Dinnage et al. disclose the claimed apparatus, wherein the receiver comprises a connection interface (Fig. 1 that shows different communication means used by such users; paragraphs 0020-0027 that disclose different communication means in detail).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dinnage et al. (US Patent Application Publication # 2005/0021666 A1)**, in view of **Pilecek (US Patent Publication # 7,177,316 B1)**.

Consider **claim 10**, and **as it applies to claim 7 above**, Dinnage et al. show and disclose the claimed method, except disclosing that notifying comprises facsimile.

In the same field of endeavor, Pilecek discloses notifying comprises facsimile (column 5, lines 21-34 that disclose using different facsimile protocols to notify users).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to also use notification by facsimile, as taught by Pilecek, in the wireless mobile computing device of Dinnage et al., so that the users who use facsimile means for communication can also be notified when a match is found.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building

Art Unit: 2143

401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00 pm.

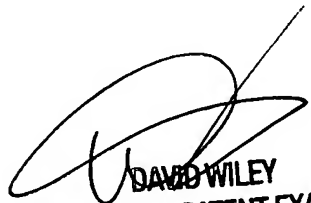
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-0800.

Kishin G. Belani
K.G.B./kgb

August 26, 2007



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100